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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,291	01/30/2004	Thomas Weiss	PO-8039/LeA 36,468	7214

34947 7590 09/20/2005

LANXESS CORPORATION  
111 RIDC PARK WEST DRIVE  
PITTSBURGH, PA 15275-1112

EXAMINER
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NWAONICHA, CHUKWUMA O

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/768,291

Applicant(s)

WEISS, THOMAS

Examiner

Chukwuma O. Nwaonicha

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Current Status***

Claims 1-17 are pending in the application.

### ***Election/Restrictions***

Applicant's election of Group I, claims 1-4 in the reply filed on 8/8/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicants are reminded of their right to file divisional applications to the non-elected claims.

Applicants' are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim** 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Inazu et al., {Some Azo-Derivatives of Tyrosol and Their Metal Complexes, Memoirs of the Faculty of Science, Kyushu University, Series C: Chemistry Bd. C5, Nr. 2, 1962, 57-63}.

Inazu et al. disclose applicants' claimed compound. See page 58. Compound B reads on applicants claimed compounds when x is H<sub>2</sub>O.

**Claims** 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Pansare et al., {Azo Dyes from Cashewnut Shell Liquid Derivatives. Part II. Azo Dyes from 5-Pentadecylresorcinol, Journal of the Indian Chemical Society, Bd. 41, Nr. 4, 1964, 257-266}.

Pansare et al. disclose applicants' claimed compound. See page 260, compound VI and page 262, compounds IX and X.

**Claims** 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Safronova et al., {Complexes of Palladium(II) with Certain Azo Compounds and their Catalytic Properties, Journal of General Chemistry of the USSR, Bd. 54, Nr. 2, 1984, 344-346}.

Safronova et al. disclose applicants' claimed compound. See page 344, compounds I, II and III.

**Claims** 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Moustafa, {Synthesis and Physico-Chemical Studies on Some Derivatives of o-Hydroxyphenylazo-methyl-3-Phenyl-2-Thiohydantoins and Their Chelates with Metal

lons, Synthesis and Reactivity in Inorganic and Metal-Organic Chemistry, Bd. 25, Nr. 6, 1995, 2883-897}.

Moustafa, discloses applicants' claimed compound. See the compounds on page 896.

**Claims 1 and 2** are rejected under 35 U.S.C. 102(b) as being anticipated by Sinha et al., {Ruthenium phenolates: synthesis, characterization and reactivities of a group of salicylaldiminato and 2-(aryloxy)phenolato complexes of ruthenium, Bd. 15, Nr. 17, 1996, 2931-2938}.

Sinha et al. disclose applicants' claimed compound. See the compounds on page 2934.

**Claims 1 and 2** are rejected under 35 U.S.C. 102(b) as being anticipated by Aboul-Fetouh et al., {Physicochemical Studies of Some Phenylhydrazone Complexes, Al-Azhar Bulletin of Science, 1998, 9, 1, 63-70}.

Aboul-Fetouh et al. disclose applicants' claimed compound. See the compounds on page 66.

#### ***Allowable Subject Matter***

Claims 3 and 4 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Reason For Allowance***

The following is an examiner's statement of reasons for allowance: Applicants' claim compounds of transition metals with azo ligands, according to claims 3 and 4,

wherein all the variables are as defined in the claims. These compounds were neither found to be obvious nor anticipated by the prior art of record.

A search of the prior art failed to uncover any reference that taught or motivated one of ordinary skill to disclose compounds of transition metals with azo ligands as claimed by applicants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

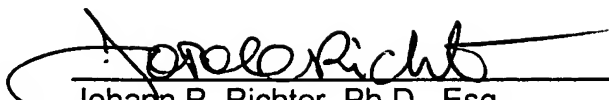
Chukwuma O. Nwaonicha, Ph.D.  
Patent Examiner

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Supervisory Patent Examiner,  
Technology Center 1600